

1 funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve  
2 as a fiscal agent for that individual for the purposes of performing the responsibilities  
3 and protecting the interests of the individual under the unemployment insurance  
4 law. The county department or aging unit may elect to act as a fiscal agent or contract  
5 with a fiscal intermediary to serve as a fiscal agent for an individual who is provided  
6 long-term support services under s. 46.275, 46.277, 46.278, 46.2785, 46.495, 51.42,  
7 or 51.437. The fiscal agent under this paragraph is responsible for remitting any  
8 federal unemployment compensation taxes or state unemployment insurance  
9 contributions owed by the individual, including any interest and penalties which are  
10 owed by the individual; for serving as the representative of the individual in any  
11 investigation, meeting, hearing or appeal involving ch. 108 or the federal  
12 unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and  
13 for receiving, reviewing, completing and returning all forms, reports and other  
14 documents required under ch. 108 or the federal unemployment tax act on behalf of  
15 the individual. An individual may make an informed, knowing and voluntary  
16 election to waive the right to a fiscal agent. The waiver may be as to all or any portion  
17 of the fiscal agent's responsibilities. The waiver may be rescinded in whole or in part  
18 at any time.

19 \*–0311/3.3\* **SECTION 857.** 46.27 (6r) (a) of the statutes is amended to read:

20 46.27 (6r) (a) A person who is initially eligible for services under sub. (7) (b),  
21 for whom home and community-based services are available under sub. (11) or s.  
22 46.275, 46.277 ~~or~~, 46.278, or 46.2785 that require less total expenditure of state funds  
23 than do comparable services under sub. (7) (b) and who is eligible for and offered the  
24 home and community-based services under sub. (11) or s. 46.275, 46.277 ~~or~~, 46.278,  
25 or 46.2785, but who declines the offer, except that a county may use funds received

1 under sub. (7) (b) to pay for long-term community support services for the person for  
2 a period of up to 90 days during which an application for services under sub. (11) or  
3 s. 46.275, 46.277 ~~or~~, 46.278, or 46.2785 for the person is processed.

4 **\*-0311/3.4\* SECTION 862.** 46.27 (11) (a) of the statutes is repealed.

5 **\*b0244/1.1\* SECTION 865m.** 46.275 (5) (b) 5. of the statutes is amended to read:

6 46.275 (5) (b) 5. Provide residential services in any community-based  
7 residential facility, as defined in s. 50.01 (1g), or group home, as defined in s. 48.02  
8 (7) that has more than ~~4~~ 8 beds, ~~unless the department approves the provision of~~  
9 ~~services in a community-based residential facility or group home that has 5 to 8 beds.~~

10 **\*-0344/3.31\* SECTION 868.** 46.277 (1m) (ag) of the statutes is created to read:

11 46.277 (1m) (ag) "Delicensed" means deducted from the number of beds stated  
12 on a facility's license, as specified under s. 50.03 (4) (e).

13 **\*-0344/3.31\* SECTION 869.** 46.277 (5) (g) of the statutes is amended to read:

14 46.277 (5) (g) The department may provide enhanced reimbursement for  
15 services provided under this section to an individual who has resided in a nursing  
16 home for at least 100 consecutive days and who is relocated to the community from  
17 a nursing home by a county department on or after ~~July 26, 2003~~ the effective date  
18 of this paragraph .... [revisor inserts date], if the nursing home bed that was used by  
19 the individual is delicensed upon relocation of the individual number of individuals  
20 served under this paragraph does not exceed the number of nursing home beds that  
21 are delicensed as part of plans submitted by nursing homes and approved by the  
22 department. The department shall develop and utilize a formula to determine the  
23 enhanced reimbursement rate.

24 **\*-0311/3.5\* SECTION 872.** 46.2785 of the statutes is created to read:

1           **46.2785 Community Opportunities and Recovery Program. (1)**

2       DEFINITIONS. In this section:

3           (a) "Nursing facility" has the meaning given in 42 USC 1396r (a).

4           (b) "Serious mental illness" has the meaning given in 42 CFR 483.102 (b) (1).

5           (c) "Waiver program" means the Community Opportunities and Recovery  
6       Program for which a waiver has been requested under sub. (2) and granted under 42  
7       USC 1396n (c).

8           **(2) WAIVER REQUEST.** The department may request a waiver from the secretary  
9       of the U.S. department of health and human services, under 42 USC 1396n (c),  
10       authorizing the department to serve in their communities medical assistance  
11       recipients who meet eligibility requirements specified in sub. (4) by providing them  
12       home or community-based services as part of the Medical Assistance program. If the  
13       department requests the waiver, it shall include all the assurances required under  
14       42 USC 1396n (c) (2) in the request. If the department receives the waiver, it may  
15       request an extension of the waiver under 42 USC 1396n (c).

16           **(3) CONTRACT FOR ADMINISTRATION.** If doing so is consistent with the waiver  
17       received by the department as specified in sub. (2), the department may contract with  
18       a county or a private agency to administer the waiver program. A private agency  
19       with which the department contracts shall have the powers and duties of a county  
20       under this section.

21           **(4) ELIGIBILITY.** Any medical assistance recipient who has a serious mental  
22       illness and meets the level of care requirements under s. 49.45 (6m) (i) for  
23       reimbursement of nursing home care under the Medical Assistance program is  
24       eligible to participate in the waiver program.

1 (5) FUNDING. (a) Medical assistance reimbursement for services a county or  
2 private agency contracts for or provides under the waiver program shall be made  
3 from the appropriation accounts under s. 20.435 (4) (b) and (o).

4 (b) The department may, from the appropriation account under s. 20.435 (4) (o),  
5 reimburse a county for providing, or contracting to provide, services that cost more  
6 than the average annual per person rate established by the department, but less  
7 than the average amount approved by the federal government for the waiver  
8 program.

9 \*b0223/1.1\* SECTION 872p. 46.279 (4n) of the statutes is created to read:

10 46.279 (4n) CONTRACT FOR PLAN PAYMENT. The department and the county  
11 specified in sub. (4m) (a) shall negotiate a contract under which the department shall  
12 provide payment, from the appropriation account under s. 20.435 (4) (b), to  
13 implement a plan to provide care in a noninstitutional community setting to an  
14 individual who has established residence in the county in order to be admitted to an  
15 intermediate facility in the county. The contract may provide for the negotiation of  
16 a memorandum of understanding between the parties that identifies the relative  
17 functions and duties of the department and the county in implementing plans under  
18 sub. (4) for residents of intermediate facilities in the county.

19 \*b0232/1.1\* SECTION 872m. 46.281 (1) (e) of the statutes is renumbered 46.281  
20 (1) (e) (intro.) and amended to read:

21 46.281 (1) (e) (intro.) After June 30, 2001, if:

22 1. If the local long-term care council for the applicable area has developed the  
23 initial plan under s. 46.282 (3) (a) 1., contract with entities specified under par. (d)  
24 and, only if specifically authorized by the legislature and if the legislature  
25 appropriates necessary funding, contract as so authorized with one or more entities

1 in addition to those specified in par. (d) certified as meeting requirements under s.  
2 46.284 (3) for services of the entity as a care management organization ~~and one or~~  
3 ~~more entities for services specified under s. 46.283 (3) and (4).~~

4 **\*b0232/1.1\* SECTION 872n.** 46.281 (1) (e) 2. of the statutes is created to read:

5 46.281 (1) (e) 2. Contract with entities specified under par. (d) and other  
6 entities for the provision of services under s. 46.283 (3) and (4), except that after the  
7 effective date of this subdivision .... [revisor inserts date], the department shall notify  
8 the joint committee on finance in writing of any proposed contract with an entity that  
9 did not have a contract to provide services under s. 46.283 (3) and (4) before the  
10 effective date of this subdivision .... [revisor inserts date]. If the cochairpersons of  
11 the committee do not notify the department within 14 working days after the date  
12 of the department's notification that the committee has scheduled a meeting for the  
13 purpose of reviewing the proposed contract, the department may enter into the  
14 proposed contract. If within 14 working days after the date of the department's  
15 notification the cochairpersons of the committee notify the department that the  
16 committee has scheduled a meeting for the purpose of reviewing the proposed  
17 contract, the department may enter into the proposed contract only upon approval  
18 of the committee.

19 **\*b0232/1.1\* SECTION 872o.** 46.283 (1) (a) (intro.) of the statutes is amended to  
20 read:

21 46.283 (1) (a) (intro.) ~~After considering recommendations of the local~~  
22 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors  
23 and, in a county with a county executive or a county administrator, the county  
24 executive or county administrator, may decide all of the following:

25 **\*b0232/1.1\* SECTION 872p.** 46.283 (1) (b) of the statutes is amended to read:

1        46.283 (1) (b) ~~After considering recommendations of the local long-term care~~  
2 ~~council under s. 46.282 (3) (a) 1., the~~ The governing body of a tribe or band or of the  
3 Great Lakes Inter-Tribal Council, Inc., may decide whether to authorize a tribal  
4 agency to apply to the department for a contract to operate a resource center for tribal  
5 members and, if so, which client group to serve.

6        **\*b0232/1.1\* SECTION 872q.** 46.283 (1) (c) of the statutes is amended to read:

7        46.283 (1) (c) ~~Under the requirements of par. (a), a~~ A county board of  
8 supervisors may decide to apply to the department for a contract to operate a  
9 multicounty resource center in conjunction with the county board or boards of one  
10 or more other counties or a county-tribal resource center in conjunction with the  
11 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc.

12        **\*b0232/1.1\* SECTION 872r.** 46.283 (1) (d) of the statutes is amended to read:

13        46.283 (1) (d) ~~Under the requirements of par. (b), the~~ The governing body of a  
14 tribe or band may decide to apply to the department for a contract to operate a  
15 resource center in conjunction with the governing body or governing bodies of one or  
16 more other tribes or bands or the Great Lakes Inter-Tribal Council, Inc., or with a  
17 county board of supervisors.

18        **\*b0232/1.1\* SECTION 872s.** 46.283 (2) (b) (intro.) of the statutes is amended to  
19 read:

20        46.283 (2) (b) (intro.) After June 30, 2001, the department shall contract with  
21 the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review  
22 conditions under s. 48.281 (1) (e) 2. are satisfied, in addition to contracting with these  
23 entities ~~and subject to approval of necessary funding~~, contract to operate a resource  
24 center with counties, family care districts, or the governing body of a tribe or band  
25 or the Great Lakes Inter-Tribal Council, Inc., under a joint application of any of

1 these, or with a private nonprofit organization if the department determines that the  
2 organization has no significant connection to an entity that operates a care  
3 management organization and if any of the following applies:

4 **\*-0311/3.6\* SECTION 877.** 46.286 (1) (a) 2. b. of the statutes is amended to read:

5 46.286 (1) (a) 2. b. Home and community-based waiver programs under 42  
6 USC 1396n (c), including ~~community integration program~~ Community Integration  
7 Program under s. 46.275, 46.277, or 46.278 and the Community Opportunities and  
8 Recovery Program under s. 46.2785.

9 **\*-0312/2.1\* SECTION 878.** 46.286 (3) (d) of the statutes is amended to read:

10 46.286 (3) (d) The department shall determine the date, which shall not be later  
11 than January 1, 2006 2008, on which par. (a) shall first apply to persons who are not  
12 eligible for medical assistance under ch. 49. Before the date determined by the  
13 department, persons who are not eligible for medical assistance may receive the  
14 family care benefit within the limits of state funds appropriated for this purpose and  
15 available federal funds.

16 **\*b0232/1.2\* SECTION 876m.** 46.2895 (1) (a) (intro.) of the statutes is amended  
17 to read:

18 46.2895 (1) (a) (intro.) ~~After considering recommendations of the local~~  
19 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors may  
20 create a special purpose district that is termed a “family care district”, that is a local  
21 unit of government, that is separate and distinct from, and independent of, the state  
22 and the county, and that has the powers and duties specified in this section, if the  
23 county board does all of the following:

24 **\*-0295/2.5\* SECTION 879.** 46.40 (1) (a) of the statutes is amended to read:

1           46.40 (1) (a) Within the limits of available federal funds and of the  
2           appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (c), the department shall  
3           distribute funds for community social, mental health, developmental disabilities,  
4           and alcohol and other drug abuse services and for services under ss. 46.51, 46.87,  
5           46.985, and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and  
6           51.437 and to county aging units, as provided in subs. (2), (2m), and (7) to (9).

7           \***-0349/5.1\* SECTION 880.** 46.48 (11m) of the statutes is created to read:

8           46.48 (11m) FEMALE OFFENDER REINTEGRATION PROGRAM. (a) In this subsection:

9           1. "Offender" has the meaning given in s. 304.16 (2) (i).

10          2. "Prisoner" has the meaning given in s. 301.01 (2).

11          (b) The department shall award not more than \$83,800 in fiscal year 2005-06  
12          and not more than \$106,400 in fiscal year 2006-07 as a grant to an organization or  
13          a group of organizations to provide services for female prisoners and offenders from  
14          Milwaukee County and their children, if the prisoners or offenders have been  
15          convicted of nonviolent crimes.

16          (c) The grant awardee under par. (b) shall provide at least all of the following  
17          for up to 6 months before a prisoner's release from prison and up to 2 years after  
18          release:

19          1. Screening, assessment, and treatment, including mental health and  
20          permanency services, for the prisoners or offenders to assist in their reintegration  
21          into the community.

22          2. At-risk assessments for all dependent children of female prisoners or  
23          offenders who receive services under subd. 1., and comprehensive support services.

24          \***-0295/2.6\* SECTION 883.** 46.495 (1) (am) of the statutes is amended to read:



1           46.495 (1) (am) The department shall reimburse each county from the  
2           appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o) for social services as  
3           approved by the department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b)  
4           1. d. and (e) 3. a. except that no reimbursement may be made for the administration  
5           of or aid granted under s. 49.02.

6           \*-0084/3.9\* SECTION 884. 46.495 (1) (d) of the statutes is amended to read:

7           46.495 (1) (d) From the appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and  
8           (o), the department shall distribute the funding for social services, including funding  
9           for foster care ~~or~~, treatment foster care, or subsidized guardianship care of a child on  
10          whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,  
11          46.22, and 46.23 as provided under s. 46.40. County matching funds are required for  
12          the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for  
13          the distribution under s. 46.40 (2) shall be specified in a schedule established  
14          annually by the department of health and family services. Each county's required  
15          match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of  
16          the county's distributions under s. 46.40 (8) for that year for which matching funds  
17          are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,  
18          to spend for juvenile delinquency-related services from its distribution for 1987.  
19          Each county's required match for the distribution under s. 46.40 (9) (b) for a year  
20          equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that  
21          year. Matching funds may be from county tax levies, federal and state revenue  
22          sharing funds, or private donations to the county that meet the requirements  
23          specified in s. 51.423 (5). Private donations may not exceed 25% of the total county  
24          match. If the county match is less than the amount required to generate the full  
25          amount of state and federal funds distributed for this period, the decrease in the

1 amount of state and federal funds equals the difference between the required and the  
2 actual amount of county matching funds.

\*\*\*NOTE: This is reconciled s. 46.495 (1) (d). This SECTION has been affected by  
drafts with the following LRB #: LRB-0084/2, LRB-0295/1, and LRB-0746/3.

3 **\*-0084/3.10\* SECTION 885.** 46.51 (4) of the statutes is amended to read:

4 46.51 (4) A county may use the funds distributed under this section to fund  
5 additional foster parents ~~and~~, treatment foster parents, and subsidized guardians  
6 or interim caretakers to care for abused and neglected children and to fund  
7 additional staff positions to provide services related to child abuse and neglect and  
8 to unborn child abuse.

9 **\*-0292/5.6\* SECTION 889.** 46.515 (2) of the statutes is amended to read:

10 46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
11 by the department under sub. (5) to participate in the program under this section,  
12 the department shall award, from the appropriation under s. 20.435 (3) ~~(de)~~ (5) (ab),  
13 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).  
14 The minimum amount of a grant is \$10,000. The department shall determine the  
15 amount of a grant awarded to a county, other than a county with a population of  
16 500,000 or more, or Indian tribe in excess of the minimum amount based on the  
17 number of births that are funded by medical assistance under subch. IV of ch. 49 in  
18 that county or the reservation of that Indian tribe in proportion to the number of  
19 births that are funded by medical assistance under subch. IV of ch. 49 in all of the  
20 counties and the reservations of all of the Indian tribes to which grants are awarded  
21 under this section. The department shall determine the amount of a grant awarded  
22 to a county with a population of 500,000 or more in excess of the minimum amount  
23 based on 60% of the number of births that are funded by medical assistance under

1 subch. IV of ch. 49 in that county in proportion to the number of births that are  
2 funded by medical assistance under subch. IV of ch. 49 in all of the counties and the  
3 reservations of all of the Indian tribes to which grants are awarded under this  
4 section.

5 \*–0041/2.1\* **SECTION 895.** 46.52 of the statutes is amended to read:

6 **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)  
7 (md), the department shall distribute funds to each grant recipient under this section  
8 so as to permit initial phasing in of recovery-oriented system changes, prevention  
9 and early intervention strategies, and consumer and family involvement for  
10 individuals with mental illness. At least 10% of the funds distributed shall be for  
11 children with mental illness. ~~The department shall eliminate the funding for a~~  
12 ~~recipient at the end of a period of not more than 3 years in order to provide funding~~  
13 ~~to benefit another recipient. The department shall require that community services~~  
14 ~~that are developed under this section are continued, following termination of funding~~  
15 ~~under this section, by use of savings made available from incorporating recovery,~~  
16 ~~prevention and early intervention strategies, and consumer and family involvement~~  
17 ~~in the services.~~

18 \*–0313/1.2\* **SECTION 896.** 46.75 (2) (a) of the statutes is amended to read:

19 46.75 (2) (a) From the appropriation under s. 20.435 (3) (5) (dn), the  
20 department shall award grants to agencies to operate food distribution programs  
21 that qualify for participation in the emergency food assistance program under P.L.  
22 98–8, as amended.

23 \*–0313/1.3\* **SECTION 897.** 46.77 of the statutes is amended to read:

24 **46.77 Food distribution administration.** From the appropriation under s.  
25 20.435 (3) (5) (dn), the department shall allocate funds to eligible recipient agencies,

1 as defined in the emergency food assistance act, P.L. 98-8, section 201A, as amended,  
2 for the storage, transportation and distribution of commodities provided under the  
3 hunger prevention act of 1988, P.L. 100-435, as amended.

4 **\*b0145/2.1\* SECTION 897p.** 46.81 (2) of the statutes is amended to read:

5 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the  
6 department shall allocate \$2,298,400 in each fiscal year and from the appropriation  
7 account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year  
8 2006-07 to aging units to provide benefit specialist services for older individuals.  
9 The department shall ensure that each aging unit receives funds and shall take into  
10 account the proportion of the state's population of low-income older individuals who  
11 reside in a county.

12 **\*b0145/2.1\* SECTION 897r.** 46.81 (2) of the statutes, as affected by 2005  
13 Wisconsin Act .... (this act), is amended to read:

14 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the  
15 department shall allocate \$2,298,400 in each fiscal year ~~and from the appropriation~~  
16 ~~account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year~~  
17 ~~2006-07~~ to aging units to provide benefit specialist services for older individuals.  
18 The department shall ensure that each aging unit receives funds and shall take into  
19 account the proportion of the state's population of low-income older individuals who  
20 reside in a county.

21 **\*-1635/3.2\* SECTION 898.** 46.95 (2) (a) of the statutes is amended to read:

22 46.95 (2) (a) The secretary shall make grants from the appropriations under  
23 s. 20.435 (3) (cd), and (hh) ~~and (km)~~ to organizations for the provision of any of the  
24 services specified in sub. (1) (d). Grants may be made to organizations which have  
25 provided those domestic abuse services in the past or to organizations which propose

1 to provide those services in the future. No grant may be made to fund services for  
2 child or unborn child abuse or abuse of elderly persons.

3 \*b0176/1.1\* SECTION 898c. 46.95 (2) (d) 1. of the statutes is repealed.

4 \*b0176/1.1\* SECTION 898e. 46.95 (2) (d) 2. of the statutes is renumbered 46.95  
5 (2) (d) and amended to read:

6 46.95 (2) (d) ~~Not more than 33 1/3% of the 30% of an organization's operating~~  
7 ~~budget not funded by grants under this section may consist of the value of An~~  
8 organization that receives a grant under this section shall provide matching funds  
9 or in-kind contributions that are equal to 25 percent of the amount of the grant. The  
10 department shall establish guidelines regarding which contributions qualify as  
11 in-kind contributions.

12 \*-1635/3.3\* SECTION 899. 46.95 (2) (f) (intro.) of the statutes is amended to  
13 read:

14 46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (3) (cd), and (hh)  
15 ~~and (km)~~, the department shall do all of the following:

16 \*-0284/2.1\* SECTION 900. 46.95 (2) (f) 7. of the statutes is amended to read:

17 46.95 (2) (f) 7. Award ~~a grant of \$25,000 grants~~ in each fiscal year to each of  
18 30 organizations to enhance support services. Funding may be used for such  
19 purposes as case management; children's programming; assisting victims of  
20 domestic abuse to find employment; and training in and activities promoting  
21 self-sufficiency.

22 \*-0284/2.2\* SECTION 901. 46.95 (2) (f) 8. of the statutes is amended to read:

23 46.95 (2) (f) 8. Award \$200,000 in grants in each fiscal year to organizations  
24 for domestic abuse services for individuals who are members of underserved  
25 populations, including racial minority group members and individuals with mental

1 illness or developmental disabilities. ~~A grant to an organization may not exceed~~  
2 ~~\$60,000.~~

3 **\*-0284/2.3\* SECTION 902.** 46.95 (2) (f) 9. of the statutes is amended to read:

4 46.95 (2) (f) 9. Award a grant of \$25,000 in fiscal year 1999-2000 and a grant  
5 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic  
6 Violence ~~for~~ toward the cost of a staff person to provide assistance in obtaining legal  
7 services to domestic abuse victims.

8 **\*-1635/3.4\* SECTION 903.** 46.95 (2) (f) 10. of the statutes is created to read:

9 46.95 (2) (f) 10. Award a grant of \$563,500 in each fiscal year to the Refugee  
10 Family Strengthening Project for providing domestic abuse services to the refugee  
11 population. Funding may be used to hire bilingual staff persons, especially those  
12 who speak Hmong.

13 **\*-1635/3.5\* SECTION 904.** 46.95 (2) (g) of the statutes is repealed.

14 **\*-0976/2.3\* SECTION 905.** 46.972 (title) of the statutes is amended to read:

15 **46.972 (title) Services Primary health for homeless individuals.**

16 **\*-0976/2.4\* SECTION 906.** 46.972 (2) (title) of the statutes is repealed.

17 **\*-0976/2.5\* SECTION 907.** 46.972 (2) of the statutes is renumbered 46.972.

18 **\*-0976/2.6\* SECTION 908.** 46.972 (3) of the statutes is renumbered 560.9811  
19 and amended to read:

20 **560.9811 Mental health services.** (1) In this subsection ~~section~~, "chronic  
21 mental illness" has the meaning given in s. 51.01 (3g).

22 (2) From the appropriation under s. 20.435 ~~(7) (e)~~ 20.143 (2) (fr), the  
23 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying  
24 public or nonprofit private entities for the costs of providing certain mental health  
25 services to homeless individuals with chronic mental illness. Entities that receive

1 funds allocated awarded by the department under this subsection shall provide the  
2 mental health services required under 42 USC 290cc-24. The amount that the  
3 department allocates awards to an applying entity may not exceed 50% of the  
4 amount of matching funds required under 42 USC 290cc-23.

5 \***-0356/3.1\* SECTION 909.** 46.977 (2) (a) of the statutes is amended to read:

6 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From  
7 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this  
8 section, based on the criteria under par. (c), award grants to applying organizations  
9 for the purpose of recruiting, training, monitoring and assisting guardians for  
10 persons determined to be incompetent under ch. 880. By June 30, the department  
11 shall determine which organizations will receive a grant during the following fiscal  
12 year based on the criteria under par. (e). No grant may be awarded paid unless the  
13 applicant awardee provides matching funds equal to 10% of the amount of the award.  
14 The department shall make grants under this section from the appropriation under  
15 s. 20.435 (7) (cg).

16 \***-0356/3.2\* SECTION 910.** 46.977 (2) (b) (intro.) of the statutes is amended to  
17 read:

18 46.977 (2) (b) (intro.) Organizations awarded grants under this section par. (a)  
19 shall do all of the following:

20 \***-0356/3.3\* SECTION 911.** 46.977 (2) (b) 1. of the statutes is repealed.

21 \***-0356/3.4\* SECTION 912.** 46.977 (2) (b) 2. of the statutes is amended to read:

22 46.977 (2) (b) 2. Provide training for ~~recruited guardians~~ and technical  
23 assistance on their duties guardianship issues.

24 \***-0356/3.5\* SECTION 913.** 46.977 (2) (b) 3. of the statutes is repealed.

25 \***-0356/3.6\* SECTION 914.** 46.977 (2) (b) 4. of the statutes is amended to read:

1           46.977 (2) (b) 4. Provide technical assistance to recruited guardians in  
2 performing their duties.

3           \*-0356/3.7\* SECTION 915. 46.977 (2) (c) (intro.) and 2. of the statutes are  
4 consolidated, renumbered 46.977 (2) (c) and amended to read:

5           46.977 (2) (c) In reviewing applications for grants, the department shall  
6 consider ~~all of the following:~~ The the extent to which the proposed program will  
7 effectively recruit, train, ~~monitor~~ and assist guardians for persons determined to be  
8 incompetent under ch. 880.

9           \*-0356/3.8\* SECTION 916. 46.977 (2) (c) 1. of the statutes is repealed.

10          \*-0311/3.7\* SECTION 917. 46.985 (2) (a) 4. of the statutes is amended to read:

11          46.985 (2) (a) 4. Procedures for coordinating the family support program and  
12 the use of its funds, throughout this state and in each service area, with other  
13 publicly funded programs including the community options program under s. 46.27;  
14 the ~~community integration program~~ Community Integration Program under ss.  
15 46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program  
16 under s. 46.2785; the social services, mental health, and developmental disabilities  
17 programs under ss. 46.495, 51.42, and 51.437; the independent living center program  
18 under s. 46.96; and the ~~medical assistance~~ Medical Assistance program under subch.  
19 IV of ch. 49.

20          \*-1635/3.6\* SECTION 918. 46.99 (2) (a) (intro.) of the statutes is amended to  
21 read:

22          46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and  
23 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying  
24 nonprofit corporations and public agencies operating in a county having a population  
25 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments



1 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county  
2 having a population of 500,000 or more to provide programs to accomplish all of the  
3 following:

4 **\*-1635/3.7\* SECTION 919.** 46.995 (1m) of the statutes is amended to read:

5 46.995 (1m) TRIBAL ADOLESCENT SERVICES ~~ALLOCATIONS~~ ALLOCATION. From the  
6 appropriation account under s. ~~20.435 (3) (km)~~, the department may allocate  
7 \$195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3)  
8 (eg), the department may allocate ~~\$15,000~~ \$210,000 in each fiscal year to provide the  
9 grants specified in subs. (2), (3) (b), and (4m) (b).

10 **\*-1635/3.8\* SECTION 920.** 46.995 (2) of the statutes is amended to read:

11 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the ~~allocations~~  
12 allocation under sub. (1m), the department may provide a grant annually in the  
13 amount of \$85,000 to the elected governing body of a federally recognized American  
14 Indian tribe or band to provide services for adolescent parents which shall emphasize  
15 high school graduation and vocational preparation, training, and experience and  
16 may be structured so as to strengthen the adolescent parent's capacity to fulfill  
17 parental responsibilities by developing social skills and increasing parenting skills.  
18 The tribe or band seeking to receive a grant to provide these services shall develop  
19 a proposed service plan that is approved by the department.

20 **\*-1635/3.9\* SECTION 921.** 46.995 (3) (b) of the statutes is amended to read:

21 46.995 (3) (b) From the ~~allocations~~ allocation under sub. (1m), the department  
22 may provide a grant annually in the amount of \$65,000 to the elected governing body  
23 of a federally recognized American Indian tribe or band to provide to high-risk  
24 adolescents pregnancy and parenthood prevention services which shall be  
25 structured so as to increase development of decision-making and communications

1 skills, promote graduation from high school, and expand career and other options  
2 and which may address needs of adolescents with respect to pregnancy prevention.

3 \*-1635/3.10\* SECTION 922. 46.995 (4m) (b) (intro.) of the statutes is amended  
4 to read:

5 46.995 (4m) (b) (intro.) From the ~~allocations~~ allocation under sub. (1m), the  
6 department may provide a grant annually in the amount of \$60,000 to the elected  
7 governing body of a federally recognized American Indian tribe or band for the  
8 provision of information to members of the tribe or band in order to increase  
9 community knowledge about problems of adolescents and information to and  
10 activities for adolescents, particularly female adolescents, in order to enable the  
11 adolescents to develop skills with respect to all of the following:

12 \*-0084/3.11\* SECTION 924. 48.33 (4) (intro.) of the statutes is amended to read:

13 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
14 placement of an adult expectant mother outside of her home shall be in writing. A  
15 report recommending placement of a child in a foster home, treatment foster home,  
16 group home, or residential care center for children and youth ~~or~~ in the home of a  
17 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall  
18 be in writing and shall include all of the following:

19 \*-0084/3.12\* SECTION 925. 48.345 (3) (c) of the statutes is amended to read:

20 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62  
21 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.  
22 48.977 (2).

23 \*-0084/3.13\* SECTION 926. 48.356 (1) of the statutes is amended to read:

24 48.356 (1) Whenever the court orders a child to be placed outside his or her  
25 home, orders an expectant mother of an unborn child to be placed outside of her

1 home, or denies a parent visitation because the child or unborn child has been  
2 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,  
3 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.  
4 48.977 (2), the court shall orally inform the parent or parents who appear in court  
5 or the expectant mother who appears in court of any grounds for termination of  
6 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions  
7 necessary for the child or expectant mother to be returned to the home or for the  
8 parent to be granted visitation.

9 **\*-0084/3.14\* SECTION 927.** 48.425 (1) (g) of the statutes is amended to read:

10 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.  
11 determines that it is unlikely that the child will be adopted, or if adoption would not  
12 be in the best interests of the child, the report shall include a plan for placing the child  
13 in a permanent family setting. The plan shall include a recommendation as to the  
14 agency to be named guardian of the child ~~or~~, a recommendation that the person  
15 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian  
16 of the child, or a recommendation that a guardian be appointed for the child under  
17 s. 48.977 (2).

18 **\*-0084/3.15\* SECTION 928.** 48.427 (3m) (intro.) of the statutes is amended to  
19 read:

20 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are  
21 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,  
22 the court shall ~~either~~ do one of the following:

23 **\*-0084/3.16\* SECTION 929.** 48.427 (3m) (c) of the statutes is created to read:

24 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship  
25 and custody of the child to the guardian.

1           \*-0084/3.17\* SECTION 930. 48.427 (3p) of the statutes is amended to read:

2           48.427 (3p) If the rights of both parents or of the only living parent are  
3 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the  
4 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters  
5 an order under this subsection, the court shall terminate the guardianship under s.  
6 48.977.

7           \*-0084/3.18\* SECTION 932. 48.48 (17) (a) 3. of the statutes is amended to read:

8           48.48 (17) (a) 3. Provide appropriate protection and services for children and  
9 the expectant mothers of unborn children in its care, including providing services for  
10 those children and their families and for those expectant mothers in their own  
11 homes, placing the children in licensed foster homes, treatment foster homes, or  
12 group homes in this state or another state within a reasonable proximity to the  
13 agency with legal custody, placing the children in the homes of guardians under s.  
14 48.977 (2), or contracting for services for those children by licensed child welfare  
15 agencies, except that the department may not purchase the educational component  
16 of private day treatment programs unless the department, the school board, as  
17 defined in s. 115.001 (7), and the state superintendent of public instruction all  
18 determine that an appropriate public education program is not available. Disputes  
19 between the department and the school district shall be resolved by the state  
20 superintendent of public instruction.

21           \*-0084/3.19\* SECTION 933. 48.48 (17) (c) 4. of the statutes is amended to read:

22           48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,  
23 ~~or~~, residential care center for children and youth, or subsidized guardianship home  
24 under s. 48.62 (5).

25           \*-0084/3.20\* SECTION 934. 48.57 (1) (c) of the statutes is amended to read:

1           48.57 (1) (c) To provide appropriate protection and services for children and the  
2           expectant mothers of unborn children in its care, including providing services for  
3           those children and their families and for those expectant mothers in their own  
4           homes, placing those children in licensed foster homes, treatment foster homes, or  
5           group homes in this state or another state within a reasonable proximity to the  
6           agency with legal custody, placing those children in the homes of guardians under  
7           s. 48.977 (2), or contracting for services for those children by licensed child welfare  
8           agencies, except that the county department may not purchase the educational  
9           component of private day treatment programs unless the county department, the  
10          school board, as defined in s. 115.001 (7), and the state superintendent of public  
11          instruction all determine that an appropriate public education program is not  
12          available. Disputes between the county department and the school district shall be  
13          resolved by the state superintendent of public instruction.

14           **\*-0084/3.21\* SECTION 935.** 48.57 (3) (a) 4. of the statutes is amended to read:  
15           48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
16           or, residential care center for children and youth, or subsidized guardianship home  
17           under s. 48.62 (5).

18           **\*-0084/3.22\* SECTION 936.** 48.57 (3m) (cm) of the statutes is amended to read:  
19           48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)  
20           for providing care and maintenance for a child is not eligible to receive a payment  
21           under sub. (3n) or s. 48.62 (4) or (5) for that child.

22           **\*-0265/3.4\* SECTION 937.** 48.57 (3m) (h) of the statutes is created to read:  
23           48.57 (3m) (h) A county department or, in a county having a population of  
24           500,000 or more, the department may recover an overpayment made under par. (am)  
25           from a kinship care relative who continues to receive payments under par. (am) by

1 reducing the amount of the kinship care relative's monthly payment. The  
2 department may by rule specify other methods for recovering overpayments made  
3 under par. (am). A county department that recovers an overpayment under this  
4 paragraph due to the efforts of its officers and employees may retain a portion of the  
5 amount recovered, as provided by the department by rule.

6 **\*-0084/3.23\* SECTION 938.** 48.57 (3n) (cm) of the statutes is amended to read:

7 48.57 (3n) (cm) A long-term kinship care relative who receives a payment  
8 under par. (am) for providing care and maintenance for a child is not eligible to  
9 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

10 **\*-0265/3.5\* SECTION 939.** 48.57 (3n) (h) of the statutes is created to read:

11 48.57 (3n) (h) A county department or, in a county having a population of  
12 500,000 or more, the department may recover an overpayment made under par. (am)  
13 from a long-term kinship care relative who continues to receive payments under par.  
14 (am) by reducing the amount of the long-term kinship care relative's monthly  
15 payment. The department may by rule specify other methods for recovering  
16 overpayments made under par. (am). A county department that recovers an  
17 overpayment under this paragraph due to the efforts of its officers and employees  
18 may retain a portion of the amount recovered, as provided by the department by rule.

19 **\*-0084/3.24\* SECTION 940.** 48.57 (3p) (a) of the statutes is amended to read:

20 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of  
21 age or over who lives at the home of a person who has applied for or is receiving  
22 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making  
23 that home his or her home or who lives for more than 30 days cumulative in any  
24 6-month period at the home of a person who has applied for or is receiving payments  
25 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

1           **\*-0084/3.25\* SECTION 941.** 48.57 (3p) (b) 1. of the statutes is amended to read:

2           48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)  
3           or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a  
4           population of 500,000 or more, the department of health and family services, with  
5           the assistance of the department of justice, shall conduct a background investigation  
6           of the applicant.

7           **\*-0084/3.26\* SECTION 942.** 48.57 (3p) (b) 3. of the statutes is amended to read:

8           48.57 (3p) (b) 3. The county department or, in a county having a population of  
9           500,000 or more, the department of health and family services, with the assistance  
10          of the department of justice, may conduct a background investigation of any person  
11          who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that  
12          the county department or department of health and family services considers to be  
13          appropriate.

14          **\*-0084/3.27\* SECTION 943.** 48.57 (3p) (c) 1. of the statutes is amended to read:

15          48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
16          or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a  
17          population of 500,000 or more, the department of health and family services, with  
18          the assistance of the department of justice, shall, in addition to the investigation  
19          under par. (b) 1., conduct a background investigation of all employees and  
20          prospective employees of the applicant who have or would have regular contact with  
21          the child for whom those payments are being made and of each adult resident.

22          **\*-0084/3.28\* SECTION 944.** 48.57 (3p) (c) 2m. of the statutes is amended to  
23          read:

24          48.57 (3p) (c) 2m. The county department or, in a county having a population  
25          of 500,000 or more, the department of health and family services, with the assistance

1 of the department of justice, may conduct a background investigation of any of the  
2 employees or prospective employees of any person who is receiving payments under  
3 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child  
4 for whom payments are being made and of each adult resident at any time that the  
5 county department or department of health and family services considers to be  
6 appropriate.

7 \***-0084/3.29\* SECTION 945.** 48.57 (3p) (c) 3. of the statutes is amended to read:

8 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or  
9 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person  
10 would have regular contact with the child for whom those payments are being made  
11 or permit any person to be an adult resident, the county department or, in a county  
12 having a population of 500,000 or more, the department of health and family  
13 services, with the assistance of the department of justice, shall conduct a background  
14 investigation of the prospective employee or prospective adult resident unless that  
15 person has already been investigated under subd. 1., 2. or 2m.

16 \***-0084/3.30\* SECTION 946.** 48.57 (3p) (fm) 1m. of the statutes is amended to  
17 read:

18 48.57 (3p) (fm) 1m. The county department or, in a county having a population  
19 of 500,000 or more, the department of health and family services may not enter into  
20 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)  
21 unless the county department or department of health and family services receives  
22 information from the department of justice relating to the conviction record of the  
23 applicant under the law of this state and that record indicates either that the  
24 applicant has not been arrested or convicted or that the applicant has been arrested  
25 or convicted but the director of the county department or, in a county having a



1 population of 500,000 or more, the person designated by the secretary of health and  
2 family services to review conviction records under this subdivision determines that  
3 the conviction record is satisfactory because it does not include any arrest or  
4 conviction that the director or person designated by the secretary determines is  
5 likely to adversely affect the child or the ~~long-term kinship care relative's~~ applicant's  
6 ability to care for the child. The county department or, in a county having a  
7 population of 500,000 or more, the department of health and family services may  
8 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of  
9 information from the federal bureau of investigation indicating that the person's  
10 conviction record under the law of any other state or under federal law is satisfactory  
11 because the conviction record does not include any arrest or conviction that the  
12 director of the county department or, in a county having a population of 500,000 or  
13 more, the person designated by the secretary of health and family services to review  
14 conviction records under this subdivision determines is likely to adversely affect the  
15 child or the ~~long-term kinship care relative's~~ applicant's ability to care for the child.

16 \*–0084/3.31\* SECTION 947. 48.57 (3p) (fm) 2m. of the statutes is amended to  
17 read:

18 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)  
19 (a) or (b) may provisionally employ a person in a position in which that person would  
20 have regular contact with the child for whom those payments are being made or  
21 provisionally permit a person to be an adult resident if the person receiving those  
22 payments states to the county department or, in a county having a population of  
23 500,000 or more, the department of health and family services that, to the best of his  
24 or her knowledge, the employee or adult resident does not have any arrests or  
25 convictions that could adversely affect the child or the ability of the person receiving

1 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62  
2 (5) (a) or (b) may not finally employ a person in a position in which that person would  
3 have regular contact with the child for whom those payments are being made or  
4 finally permit a person to be an adult resident until the county department or, in a  
5 county having a population of 500,000 or more, the department of health and family  
6 services receives information from the department of justice relating to the person's  
7 conviction record under the law of this state and that record indicates either that the  
8 person has not been arrested or convicted or that the person has been arrested or  
9 convicted but the director of the county department or, in a county having a  
10 population of 500,000 or more, the person designated by the secretary of health and  
11 family services to review conviction records under this subdivision determines that  
12 the conviction record is satisfactory because it does not include any arrest or  
13 conviction that is likely to adversely affect the child or the ~~long-term kinship care~~  
14 relative's ability of the person receiving payments to care for the child and the county  
15 department or department of health and family services so advises the person  
16 receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving  
17 payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a  
18 position in which that person would have regular contact with the child for whom  
19 those payments are being made or finally permit a person to be an adult resident  
20 conditioned on the receipt of information from the county department or, in a county  
21 having a population of 500,000 or more, the department of health and family services  
22 that the federal bureau of investigation indicates that the person's conviction record  
23 under the law of any other state or under federal law is satisfactory because the  
24 conviction record does not include any arrest or conviction that the director of the  
25 county department or, in a county having a population of 500,000 or more, the person

1 designated by the secretary of health and family services to review conviction records  
2 under this subdivision determines is likely to adversely affect the child or the  
3 ~~long-term kinship care relative's ability~~ of the person receiving payments to care for  
4 the child.

5 \*~~0084/3.32~~\* SECTION 948. 48.57 (3p) (hm) of the statutes is amended to read:

6 48.57 (3p) (hm) A county department or, in a county having a population of  
7 500,000 or more, the department may not make payments to a person under sub. (3n)  
8 or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62  
9 (5) (a) or (b) may not employ a person in a position in which that person would have  
10 regular contact with the child for whom payments are being made or permit a person  
11 to be an adult resident if the director of the county department or, in a county having  
12 a population of 500,000 or more, the person designated by the secretary to review  
13 conviction records under this paragraph determines that the person has any arrest  
14 or conviction that is likely to adversely affect the child or the ~~long-term kinship care~~  
15 ~~relative's~~ person's ability to care for the child.

16 \*~~0084/3.33~~\* SECTION 949. 48.61 (3) of the statutes is amended to read:

17 48.61 (3) To provide appropriate care and training for children in its legal or  
18 physical custody and, if licensed to do so, to place children in licensed foster homes,  
19 licensed treatment foster homes, and licensed group homes and in the homes of  
20 guardians under s. 48.977 (2).

21 \*~~0084/3.34~~\* SECTION 950. 48.615 (1) (b) of the statutes is amended to read:

22 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
23 a child welfare agency that places children in licensed foster homes, licensed  
24 treatment foster homes, and licensed group homes and in the homes of guardians

1 under s. 48.977 (2), the child welfare agency must pay to the department a biennial  
2 fee of \$254.10.

3 **\*b0178/1.2\* SECTION 951d.** 48.62 (4) of the statutes is amended to read:

4 48.62 (4) Monthly payments in foster care shall be provided according to the  
5 age-related rates specified in this subsection. ~~Beginning on January 1, 2000, the~~  
6 ~~age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5~~  
7 ~~to 11; \$371 for children aged 12 to 14 and \$387 for children aged 15 to 17. Beginning~~  
8 ~~on January 1, 2001, the age-related rates are: \$302 for children aged 4 and under;~~  
9 ~~\$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children~~  
10 aged 15 to 17 2006, the age-related rates are \$310 for a child under 5 years of age;  
11 \$337 for a child 5 to 11 years of age; \$384 for a child 12 to 14 years of age; and \$401  
12 for a child 15 years of age or over. Beginning on January 1, 2007, the age-related  
13 rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11 years of age;  
14 \$394 for a child 12 to 14 years of age; and \$411 for a child 15 years of age or over. In  
15 addition to these grants for basic maintenance, the department shall make  
16 supplemental payments for special needs, exceptional circumstances, care in a  
17 treatment foster home, and initial clothing allowances according to rules  
18 promulgated by the department.

19 **\*-0084/3.35\* SECTION 952.** 48.62 (5) of the statutes is created to read:

20 48.62 (5) (a) Subject to par. (d), a county department or, in a county having a  
21 population of 500,000 or more, the department shall provide monthly subsidized  
22 guardianship payments in the amount specified in par. (e) to a guardian of a child  
23 under s. 48.977 (2) or under a substantially similar tribal law or law of another state  
24 who was licensed as the child's foster parent or treatment foster parent before the  
25 guardianship appointment and who has entered into a subsidized guardianship

1 agreement with the county department or department if the guardian meets the  
2 conditions specified in par. (c) 1. and 2. and if the child meets any of the following  
3 conditions:

4 1. The child has been placed outside of his or her home, as described in s. 48.365  
5 (1), for a cumulative total period of one year or longer, the court has found that the  
6 agency primarily responsible for providing services to the child under a court order  
7 has made reasonable efforts to make it possible for the child to return to his or her  
8 home, while assuring that the child's health and safety are the paramount concerns,  
9 but that reunification of the child with the child's parent or parents is unlikely or  
10 contrary to the best interests of the child and that further reunification efforts are  
11 unlikely to be made or are contrary to the best interests of the child, or that any of  
12 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found  
13 that appointment of a guardian for the child is in the best interests of the child.

14 2. The child does not meet the conditions specified in subd. 1., but the county  
15 department or department has determined, and a court has confirmed under s.  
16 48.977 (3r) or under a substantially similar tribal law or law of another state, that  
17 appointing a guardian for the child and providing monthly subsidized guardianship  
18 payments to the guardian are in the best interests of the child.

19 (b) Subject to par. (d), on the death, incapacity, resignation, or removal of a  
20 guardian receiving payments under par. (a), a county department or, in a county  
21 having a population of 500,000 or more, the department shall provide monthly  
22 subsidized guardianship payments in the amount specified in par. (e) for a period of  
23 up to 12 months to an interim caretaker who meets all of the conditions specified in  
24 par. (c).

1 (c) A county department or, in a county having a population of 500,000 or more,  
2 the department may not provide monthly subsidized guardianship payments under  
3 par. (a) or (b) unless all of the following conditions are met:

4 1. The county department or department inspects the home of the guardian or  
5 interim caretaker, interviews the guardian or interim caretaker, and determines  
6 that placement of the child with the guardian or interim caretaker is in the best  
7 interests of the child.

8 2. The county department or department conducts a background investigation  
9 under s. 48.57 (3p) of the guardian or interim caretaker, the employees and  
10 prospective employees of the guardian or interim caretaker who have or would have  
11 regular contact with the child for whom the payments would be made, and any other  
12 adult resident, as defined in s. 48.57 (3p) (a), of the home of the guardian or interim  
13 caretaker and determines that those individuals do not have any arrests or  
14 convictions that are likely to adversely affect the child or the ability of the guardian  
15 or interim caretaker to care for the child.

16 3. In the case of an interim caretaker, the interim caretaker cooperates with  
17 the county department or department in finding a permanent placement for the  
18 child.

19 (d) The department shall request from the secretary of the federal department  
20 of health and human services a waiver of the requirements under 42 USC 670 to 679a  
21 that would authorize the state to receive federal foster care and adoption assistance  
22 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child  
23 who is in the care of a guardian who was licensed as the child's foster parent or  
24 treatment foster parent before the guardianship appointment and who has entered  
25 into a subsidized guardianship agreement with the county department or

1 department. If the waiver is approved for a county having a population of 500,000  
2 or more, the department shall provide the monthly payments under par. (a) from the  
3 appropriations under s. 20.435 (3) (cx), (gx), (kw), and (mx). If the waiver is approved  
4 for any other county, the department shall determine which counties are authorized  
5 to provide monthly payments under par. (a) or (b), and the county departments of  
6 those counties shall provide those payments from moneys received under s. 46.495  
7 (1) (d).

8 (e) The amount of a monthly payment under par. (a) or (b) for the care of a child  
9 shall equal the amount received under sub. (4) by the guardian of the child for the  
10 month immediately preceding the month in which the guardianship order was  
11 granted. A guardian or an interim caretaker who receives a monthly payment under  
12 par. (a) or (b) is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n).

13 **\*-0265/3.6\* SECTION 953.** 48.62 (6) of the statutes is created to read:

14 48.62 (6) The department or a county department may recover an overpayment  
15 made under sub. (4) or (5) from a foster parent, treatment foster parent, guardian,  
16 or interim caretaker who continues to receive payments under sub. (4) or (5) by  
17 reducing the amount of the person's monthly payment. The department may by rule  
18 specify other methods for recovering overpayments made under sub. (4) or (5). A  
19 county department that recovers an overpayment under this subsection due to the  
20 efforts of its officers and employees may retain a portion of the amount recovered, as  
21 provided by the department by rule.

\*\*\*\*NOTE: This is reconciled s. 48.62 (6). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0265/2 and LRB-0084/2.

22 **\*b0173/1.11\* SECTION 962d.** 48.65 (3) (a) of the statutes is amended to read:

1           48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
2     care center that provides care and supervision for 4 to 8 children, the day care center  
3     must pay to the department a biennial fee of \$60.50. Before the department may  
4     issue a license under sub. (1) to a day care center that provides care and supervision  
5     for 9 or more children, the day care center must pay to the department a biennial fee  
6     of \$30.25, plus a biennial fee of ~~\$8.47~~ \$10.33 per child, based on the number of  
7     children that the day care center is licensed to serve. A day care center that wishes  
8     to continue a license issued under sub. (1) shall pay the applicable fee under this  
9     paragraph by the continuation date of the license. A new day care center shall pay  
10    the applicable fee under this paragraph no later than 30 days before the opening of  
11    the day care center.

12           \*-0296/2.1\* SECTION 1023. 48.78 (2) (h) of the statutes is created to read:

13           48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
14    department, or a licensed child welfare agency from entering the content of any  
15    record kept or information received about an individual in its care or legal custody  
16    into the statewide automated child welfare information system established under s.  
17    46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s.  
18    46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services,  
19    the department of corrections, or any other organization that has entered into an  
20    information sharing and access agreement with one of those county departments or  
21    departments and that has been approved for access to the statewide automated child  
22    welfare information system by the department of health and family services from  
23    having access to information concerning a client of that county department,  
24    department, or organization under this chapter or ch. 51 or 938 that is maintained  
25    in the statewide automated child welfare information system, if necessary to enable



1 the county department, department, or organization to perform its duties under this  
2 chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter  
3 or ch. 51 or 938 to the client. Before entering any information about an individual  
4 into the statewide automated child welfare information system, the department,  
5 county department, or licensed child welfare agency entering the information shall  
6 notify the individual that the information entered may be disclosed as provided in  
7 this paragraph.

8 **\*-0084/3.36\* SECTION 1024.** 48.975 (3) (a) 1. of the statutes is amended to read:

9 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was  
10 in foster care ~~or, treatment foster care, or subsidized guardianship care~~ immediately  
11 prior to placement for adoption, the initial amount of adoption assistance for  
12 maintenance shall be equivalent to the amount of that child's foster care ~~or,~~  
13 treatment foster care, or subsidized guardianship care payment at the time that the  
14 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed  
15 adoptive parents and specified in that agreement.

16 **\*-0084/3.37\* SECTION 1025.** 48.975 (3) (a) 2. of the statutes is amended to read:

17 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster  
18 care ~~or, treatment foster care, or subsidized guardianship care~~ immediately prior to  
19 placement for adoption, the initial amount of adoption assistance for maintenance  
20 shall be equivalent to the uniform foster care rate in effect at the time that the  
21 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed  
22 adoptive parents and specified in that agreement.

23 **\*-0084/3.38\* SECTION 1026.** 48.975 (4) (a) of the statutes is amended to read:

24 48.975 (4) (a) Except in extenuating circumstances, as defined by the  
25 department by rule promulgated under sub. (5) (a), a written agreement to provide

1 adoption assistance shall be made prior to adoption. An agreement to provide  
2 adoption assistance may be made only for a child who, at the time of placement for  
3 adoption, is in the guardianship of the department or other agency authorized to  
4 place children for adoption ~~or~~, in the guardianship of an American Indian tribal  
5 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

6 **\*-0265/3.7\* SECTION 1027.** 48.975 (4m) of the statutes is created to read:

7 48.975 (4m) RECOVERY OF INCORRECT PAYMENTS. The department may recover  
8 an overpayment of adoption assistance from an adoptive parent who continues to  
9 receive adoption assistance for maintenance by reducing the amount of the adoptive  
10 parent's monthly payment of adoption assistance for maintenance. The department  
11 may by rule specify other methods for recovering overpayments of adoption  
12 assistance.

13 **\*-0084/3.39\* SECTION 1028.** 48.977 (title) of the statutes is amended to read:

14 48.977 (title) **Appointment of relatives as guardians for certain**  
15 **children in need of protection or services.**

16 **\*-0084/3.40\* SECTION 1029.** 48.977 (1) of the statutes is repealed.

17 **\*-0084/3.41\* SECTION 1030.** 48.977 (2) (intro.) of the statutes is amended to  
18 read:

19 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the  
20 appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the  
21 court finds all of the following:

22 **\*-0084/3.42\* SECTION 1031.** 48.977 (2) (a) of the statutes is amended to read:

23 48.977 (2) (a) That the child has been adjudged to be in need of protection or  
24 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or  
25 938.13 (4) and been placed, or continued in a placement, outside of his or her home

1 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,  
2 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~  
3 longer or that the child has been so adjudged and placement of the child in the home  
4 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33  
5 (1).

6 **\*-0084/3.43\* SECTION 1032.** 48.977 (2) (b) of the statutes is amended to read:

7 48.977 (2) (b) That the person nominated as the guardian of the child is a  
8 ~~relative of the child~~ person with whom the child has been placed or in whose home  
9 placement of the child is recommended under par. (a) and that it is likely that the  
10 child will continue to be placed with that ~~relative~~ person for an extended period of  
11 time or until the child attains the age of 18 years.

12 **\*-0084/3.44\* SECTION 1033.** 48.977 (2) (c) of the statutes is amended to read:

13 48.977 (2) (c) That, if appointed, it is likely that the relative person would be  
14 willing and able to serve as the child's guardian for an extended period of time or until  
15 the child attains the age of 18 years.

16 **\*-0084/3.45\* SECTION 1034.** 48.977 (2) (f) of the statutes is amended to read:

17 48.977 (2) (f) That the agency primarily responsible for providing services to  
18 the child under a court order has made reasonable efforts to make it possible for the  
19 child to return to his or her home, while assuring that the child's health and safety  
20 are the paramount concerns, but that reunification of the child with the child's  
21 parent or parents is unlikely or contrary to the best interests of the child and that  
22 further reunification efforts are unlikely to be made or are contrary to the best  
23 interests of the child or that the agency primarily responsible for providing services  
24 to the child under a court order has made reasonable efforts to prevent the removal  
25 of the child from his or her home, while assuring the child's health and safety, but that

1 continued placement of the child in the home would be contrary to the welfare of the  
2 child, except that the court is not required to find that the agency has made those  
3 reasonable efforts with respect to a parent of the child if any of the circumstances  
4 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the  
5 findings specified in this paragraph on a case-by-case basis based on circumstances  
6 specific to the child and shall document or reference the specific information on  
7 which those findings are based in the guardianship order. A guardianship order that  
8 merely references this paragraph without documenting or referencing that specific  
9 information in the order or an amended guardianship order that retroactively  
10 corrects an earlier guardianship order that does not comply with this paragraph is  
11 not sufficient to comply with this paragraph.

12 \***-0084/3.46\* SECTION 1035.** 48.977 (3r) of the statutes is created to read:

13 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county  
14 department or, in a county having a population of 500,000 or more, the department  
15 has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for  
16 a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and  
17 providing monthly subsidized guardianship payments to the guardian are in the best  
18 interests of the child, the petitioner under sub. (4) (a) shall include in the petition  
19 under sub. (4) (b) a statement of that determination and a request for the court to  
20 include in the court's findings under sub. (4) (d) a finding confirming that  
21 determination. If the court confirms that determination and appoints a guardian for  
22 the child under sub. (2), the county department or department shall provide monthly  
23 subsidized guardianship payments to the guardian under s. 48.62 (5).

24 \***-0084/3.47\* SECTION 1036.** 48.977 (4) (a) 4. of the statutes is amended to read:

1           48.977 (4) (a) 4. The relative person with whom the child is placed or in whose  
2           home placement of the child is recommended as described in sub. (2) (a), if the  
3           relative person is nominated as the guardian of the child in the petition.

4           **\*-0084/3.48\* SECTION 1037.** 48.977 (4) (a) 6. of the statutes is amended to read:

5           48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has  
6           been placed pursuant to an order under ch. 938 or the child's placement with the  
7           guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,  
8           or 46.23.

9           **\*-0084/3.49\* SECTION 1038.** 48.977 (4) (b) 3. of the statutes is amended to read:

10          48.977 (4) (b) 3. The date on which the child was adjudged in need of protection  
11          or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)  
12          or 938.13 (4) and the dates that on which the child has been placed, or continued in  
13          a placement, outside of his or her home pursuant to one or more court orders under  
14          s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child  
15          has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or  
16          938.33 (1) in which placement of the child in the home of the person is recommended.

17          **\*-0084/3.50\* SECTION 1039.** 48.977 (4) (c) 1. g. of the statutes is amended to  
18          read:

19          48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose  
20          home placement of the child is recommended as described in sub. (2) (a), if the  
21          relative person is nominated as the guardian of the child in the petition.

22          **\*-0084/3.51\* SECTION 1040.** 48.977 (4) (e) of the statutes is amended to read:

23          48.977 (4) (e) *Court report.* The For a child who has been placed, or continued  
24          in a placement, outside of his or her home for 6 months or longer, the court shall order  
25          the person or agency primarily responsible for providing services to the child under

1 a court order to file with the court a report containing the written summary under  
2 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian  
3 as is reasonably ascertainable. For a child who has been placed, or continued in a  
4 placement, outside of his or her home for less than 6 months, the court shall order  
5 the person or agency primarily responsible for providing services to the child under  
6 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33  
7 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,  
8 and as much information relating to the appointment of a guardian as is reasonably  
9 ascertainable. The agency shall file the report at least 48 hours before the date of  
10 the dispositional hearing under par. (fm).

11 \*–0084/3.52\* SECTION 1041. 48.977 (4) (g) 1. of the statutes is amended to read:

12 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of  
13 the child.

14 \*–0084/3.53\* SECTION 1042. 48.977 (4) (g) 2. of the statutes is amended to read:

15 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as  
16 the child's guardian for an extended period of time or until the child attains the age  
17 of 18 years.

18 \*–0084/3.54\* SECTION 1043. 48.977 (4) (h) 1. of the statutes is amended to read:

19 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines  
20 that appointment of the relative person as the child's guardian is not in the best  
21 interests of the child.

22 \*–0084/3.55\* SECTION 1044. 48.977 (4) (h) 2. of the statutes is amended to read:

23 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the  
24 child has been placed or in whose home placement of the child is recommended as  
25 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or

1 limited guardian under sub. (5) (b), if the court determines that such an appointment  
2 is in the best interests of the child.

3 **\*-1625/3.2\* SECTION 1045.** 48.982 (4) (a) of the statutes is amended to read:

4 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),  
5 and (q), the board shall award grants to organizations in accordance with the plan  
6 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are  
7 awarded, no organization may receive a grant or grants totaling more than \$30,000.

8 **\*-1625/3.3\* SECTION 1046.** 48.982 (6) (a) of the statutes is amended to read:

9 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),  
10 and (q), the board shall award grants to organizations in accordance with the  
11 request-for-proposal procedures developed under sub. (2) (a). No organization may  
12 receive a grant or grants under this subsection totaling more than \$150,000 in any  
13 year.

14 **\*-1625/3.4\* SECTION 1047.** 48.982 (7) (a) of the statutes is amended to read:

15 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and  
16 (q), the board shall award grants to organizations in accordance with the plan  
17 developed under sub. (2) (a).

18 **\*-1662/4.3\* SECTION 1049.** 49.134 (2) (a) of the statutes is amended to read:

19 49.134 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
20 shall make grants to local agencies to fund child care resource and referral services  
21 provided by those local agencies. The department shall provide an allocation formula  
22 to determine the amount of a grant awarded under this section.

\*\*\*\*NOTE: This is reconciled s. 49.134 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

23 **\*-1662/4.4\* SECTION 1052.** 49.136 (2) (a) of the statutes is amended to read:

1           49.136 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department  
2 shall may award grants for the start-up or expansion of child care services.

      \*\*\*NOTE: This is reconciled s. 49.136 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

3           \*-1662/4.5\* SECTION 1053. 49.136 (2) (b) of the statutes is amended to read:

4           49.136 (2) (b) ~~The~~ If the department awards grants under this section, the  
5 department shall attempt to award the grants ~~under this section~~ to head start  
6 agencies designated under 42 USC 9836, employers that provide or wish to provide  
7 child care services for their employees, family day care centers, group day care  
8 centers and day care programs for the children of student parents, organizations that  
9 provide child care for sick children, and child care providers that employ participants  
10 or former participants in a Wisconsin ~~works~~ Works employment position under s.  
11 49.147 (3) to (5).

12           \*-1662/4.6\* SECTION 1055. 49.137 (2) (a) of the statutes is amended to read:

13           49.137 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department  
14 may award grants to child care providers that meet the quality of care standards  
15 established under s. 49.155 (1d) (b) to improve the retention of skilled and  
16 experienced child care staff. In awarding grants under this subsection, the  
17 department shall consider the applying child care provider's total enrollment of  
18 children and average enrollment of children who receive or are eligible for publicly  
19 funded care from the child care provider.

      \*\*\*NOTE: This is reconciled s. 49.137 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

20           \*-1662/4.7\* SECTION 1056. 49.137 (3) (a) of the statutes is amended to read:



1           49.137 (3) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
2           may award grants to child care providers for assistance in meeting the quality of care  
3           standards established under s. 49.155 (1d) (b).

      \*\*\*\*NOTE: This is reconciled s. 49.137 (3) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

4           **\*-1662/4.8\* SECTION 1057.** 49.137 (4) (intro.) of the statutes is amended to  
5           read:

6           49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
7           allocation under s. 49.155 (1g) ~~(b)~~ (d), the department may contract with one or more  
8           agencies for the provision of training and technical assistance to improve the quality  
9           of child care provided in this state. The training and technical assistance activities  
10          contracted for under this subsection may include any of the following activities:

      \*\*\*\*NOTE: This is reconciled s. 49.137 (4) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0404 and LRB-1662.

11          **\*-1662/4.9\* SECTION 1058.** 49.137 (4m) of the statutes is amended to read:

12          49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. ~~The~~ From the allocation  
13          under s. 49.155 (1g) (d), the department shall award grants to local governments and  
14          tribal governing bodies for programs to improve the quality of child care. The  
15          department shall promulgate rules to administer the grant program, including rules  
16          that specify the eligibility criteria and procedures for awarding the grants.

17          **\*-1662/4.10\* SECTION 1059.** 49.1375 of the statutes is repealed.

18          **\*b0168/1.1\* SECTION 1059m.** 49.138 (1m) (intro.) of the statutes is amended  
19          to read:

20          49.138 (1m) (intro.) The department shall implement a program of emergency  
21          assistance to needy persons in cases of fire, flood, natural disaster, homelessness or  
22          impending homelessness, or energy crisis. The department shall establish the

1 maximum amount of aid to be granted, except for cases of energy crisis, per family  
2 member based on the funding available under s. 20.445 (3) (dz) and (md). The  
3 department need not establish the maximum amount by rule under ch. 227. The  
4 department shall publish the maximum amount and annual changes to it in the  
5 Wisconsin administrative register. Emergency assistance provided to needy persons  
6 under this section ~~in cases of fire, flood, natural disaster, or energy crisis~~ may only  
7 be provided to a needy person once in a 12-month period. Emergency assistance  
8 provided to needy persons under this section in cases of homelessness or impending  
9 homelessness may be used only to obtain or retain a permanent living  
10 accommodation and, ~~except as provided in sub. (2), may only be provided to a needy~~  
11 ~~person once in a 36-month period.~~ For the purposes of this section, a family is  
12 considered to be homeless, or to be facing impending homelessness, if any of the  
13 following applies:

14 **\*b0168/1.1\* SECTION 1059n.** 49.138 (2) of the statutes is repealed.

15 **\*b0170/2.2\* SECTION 1059f.** 49.143 (1) (ac) of the statutes is created to read:

16 49.143 (1) (ac) 1. Except for a county department under s. 46.21, 46.22, or 46.23  
17 or a tribal governing body, a person who submits a bid in a competitive process under  
18 par. (a) 1. shall include with the proposal a filing fee of \$50 and a statement of  
19 economic interests that discloses all of the following information:

- 20 a. The person's assets and liabilities.
- 21 b. The sources of the person's income.
- 22 c. All of the person's other clients, as well as a description of the goods or  
23 services provided to those clients.
- 24 d. The identity of all of the person's subsidiaries, affiliates, and parent  
25 companies, if any.

1           2. Except for a county department under s. 46.21, 46.22, or 46.23 or a tribal  
2 governing body, a Wisconsin Works agency that enters into a succeeding contract  
3 with the department under par. (a) 2. shall, before executing the succeeding contract,  
4 submit to the department a filing fee of \$50 and a statement of economic interests  
5 that discloses the information specified in subd. 1. a. to d.

6           3. One year after entering into a contract under par. (a) 1. or 2., a Wisconsin  
7 Works agency that is not a county department under s. 46.21, 46.22, or 46.23 or a  
8 tribal governing body shall submit to the department a filing fee of \$50 and an  
9 updated statement of economic interests that discloses the information specified in  
10 subd. 1. a. to d.

11           **\*b0171/2.1\* SECTION 1059r.** 49.143 (2) (intro.) of the statutes is amended to  
12 read:

13           49.143 (2) CONTRACT REQUIREMENTS. (intro.) Each contract under sub. (1) shall  
14 contain performance-based incentives established by the department, as well as  
15 financial penalties that the department shall enforce against a Wisconsin Works  
16 agency that fails to serve Wisconsin Works participants as required under the  
17 contract. The contract shall require a Wisconsin ~~works~~ Works agency to do all of the  
18 following:

19           **\*b0170/2.2\* SECTION 1059h.** 49.143 (2) (g) of the statutes is created to read:  
20           49.143 (2) (g) If the Wisconsin Works agency is not a county department under  
21 s. 46.21, 46.22, or 46.23 or a tribal governing body, provide to the department, one  
22 year after the date on which the contract under sub. (1) was signed, a filing fee of \$50  
23 and an updated statement of economic interests that discloses the information  
24 specified in sub. (1) (ac) 1. a. to d.

1       **\*b0171/2.1\* SECTION 1059t.** 49.143 (4) of the statutes is renumbered 49.143  
2       (4) (a).

3       **\*b0171/2.1\* SECTION 1059u.** 49.143 (4) (b) of the statutes is created to read:  
4       49.143 (4) (b) For a Wisconsin Works agency that is not a county department  
5       under s. 46.215, 46.22, or 46.23 or a tribal governing body, the department may select  
6       the auditor for the annual single financial audit required under federal law. The  
7       Wisconsin Works agency shall be required to pay for the annual single financial  
8       audit.

9       **\*b0171/2.1\* SECTION 1059v.** 49.143 (5) (c) of the statutes is amended to read:  
10       49.143 (5) (c) The Subject to sub. (5m) (b), the department may inspect at any  
11       time any Wisconsin works Works agency's records as the department determines is  
12       appropriate and necessary for the overall administration of Wisconsin works Works.

13       **\*b0171/2.1\* SECTION 1059w.** 49.143 (5m) of the statutes is created to read:  
14       49.143 (5m) FINANCIAL RECORDS. (a) Each Wisconsin Works agency shall  
15       maintain its financial records in accordance with generally accepted accounting  
16       principles.

17       (b) To ensure that all expenditures of state and federal moneys related to  
18       Wisconsin Works are made in compliance with applicable state laws and rules,  
19       applicable federal laws and regulations, and the terms of the contracts between the  
20       Wisconsin Works agencies and the department, the department shall do all of the  
21       following:

22       1. At least quarterly review the financial records of each Wisconsin Works  
23       agency that administers Wisconsin Works in any of the 10 most populous counties.

24       2. At least annually review the financial records of each Wisconsin Works  
25       agency not specified in subd. 1.

1           3. Periodically review the financial records of entities that have entered into  
2       subcontracts with Wisconsin Works agencies to provide goods or services related to  
3       Wisconsin Works.

4           **\*b0172/3.3\* SECTION 1059r.** 49.145 (2) (s) of the statutes is amended to read:

5           49.145 (2) (s) The individual assigns to the state any right of the individual or  
6       of any dependent child of the individual to support or maintenance from any other  
7       person, including any right to amounts accruing during the time that any Wisconsin  
8       works Works benefit is paid to the individual. If a minor who is a beneficiary of any  
9       Wisconsin works Works benefit is also the beneficiary of support under a judgment  
10      or order that includes support for one or more children not receiving a benefit under  
11      Wisconsin works Works, any support payment made under the judgment or order is  
12      assigned to the state during the period that the minor is a beneficiary of the  
13      Wisconsin works Works benefit in the amount that is the proportionate share of the  
14      minor receiving the benefit under Wisconsin works Works, except as otherwise  
15      ordered by the court on the motion of a party. Amounts assigned to the state under  
16      this paragraph remain assigned to the state until the amount due to the federal  
17      government has been recovered. No amount of support that begins to accrue after  
18      the individual ceases to receive benefits under Wisconsin works Works may be  
19      considered assigned to this state. Except as provided in s. 49.1455, any money that  
20      is received by the department in a month under an assignment to the state under this  
21      paragraph for an individual applying for or participating in Wisconsin works Works  
22      and that is not the federal share of support shall be paid to the individual applying  
23      for or participating in Wisconsin works Works. The department shall pay the federal  
24      share of support assigned under this paragraph as required under federal law or  
25      waiver.

1           **\*b0171/2.2\* SECTION 1060m.** 49.147 (4) (as) of the statutes is amended to read:

2           49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
3           sub. (5m), a Wisconsin works Works agency shall require a participant placed in a  
4           community service job program to work in a community service job for the number  
5           of hours determined by the Wisconsin works Works agency to be appropriate for the  
6           participant at the time of application or review, but not to exceed less than 20 hours  
7           per week, nor more than 30 hours per week, for a participant in a full-time  
8           community service job placement. Except as provided in pars. (at) and (av), a  
9           Wisconsin works Works agency may require a participant placed in the community  
10          service job program to participate in education or training activities for not more  
11          than 10 hours per week. The department shall monitor the number of hours that  
12          participants in community service job placements are required to work to ensure  
13          compliance with the requirements under this paragraph by Wisconsin Works  
14          agencies.

15          **\*b0171/2.2\* SECTION 1060p.** 49.147 (5) (bs) of the statutes is amended to read:

16          49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
17          a Wisconsin works Works agency may require a participant placed in a full-time  
18          transitional placement to engage in activities under par. (b) 1. for up to not less than  
19          20 hours per week nor more than 28 hours per week. Except as provided in sub. (5m),  
20          a Wisconsin works Works agency may require a participant placed in a transitional  
21          placement to participate in education or training activities under par. (bm) for not  
22          more than 12 hours per week. The department shall monitor the number of hours  
23          that participants in transitional placements are required to engage in activities  
24          under par. (b) 1. to ensure compliance with the requirements under this paragraph  
25          by Wisconsin Works agencies.

1           \***-1526/3.2\*** **SECTION 1061.** 49.147 (6) (c) of the statutes is amended to read:

2           49.147 (6) (c) *Distribution and administration.* From the appropriations  
3           appropriation under s. 20.445 (3) (~~dz~~), (jL), and (~~md~~), the department shall distribute  
4           funds for job access loans to a Wisconsin Works agency, which shall administer the  
5           loans in accordance with rules promulgated by the department.

6           \***b0205/1.1\*** **SECTION 1069m.** 49.153 of the statutes is created to read:

7           **49.153 Notice before taking certain actions. (1) WRITTEN AND ORAL NOTICE.**

8           Before taking any action against a participant that would result in a 20 percent or  
9           more reduction in the participant's benefits or in termination of the participant's  
10          eligibility to participate in Wisconsin Works, a Wisconsin Works agency shall do all  
11          of the following:

12          (a) Provide to the participant written notice of the proposed action and of the  
13          reasons for the proposed action.

14          (b) After providing written notice, explain to the participant orally in person  
15          or by phone, or make reasonable attempts to explain to the participant orally in  
16          person or by phone, the proposed action and the reasons for the proposed action.

17          (c) After providing the notice under par. (a) and the explanation or the attempts  
18          to provide an explanation under par. (b), allow the participant a reasonable time to  
19          rectify the deficiency, failure, or other behavior to avoid the proposed action.

20          **(2) RULES.** The department shall promulgate rules that establish procedures  
21          for the notice and explanation under sub. (1) and that define "reasonable attempts"  
22          for the purpose of sub. (1) (b) and "reasonable time" for the purpose of sub. (1) (c).

23          \***-1662/4.11\*** **SECTION 1075.** 49.155 (1g) (b) of the statutes is amended to read:

24          49.155 (1g) (b) From the ~~appropriation~~ appropriations under s. 20.445 (3) (~~cm~~),  
25          (~~kx~~), and (mc), distribute ~~\$7,593,500 in fiscal year 2003-04 and \$7,597,300~~

1 \$1,488,500 in each fiscal year 2004-05 for administering the child care program  
2 under this section, for grants under s. 49.134 (2) for child day care resource and  
3 referral services, for grants under s. 49.137 (4m), for a child care scholarship and  
4 bonus program, and for administration of the department's office of child care and  
5 for the department's share of the costs for the Child Care Information Center  
6 operated by the division for libraries, technology, and community learning in the  
7 department of public instruction. *plain period*

\*\*\*NOTE: This is reconciled s. 49.155 (1g) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-0404 and LRB-1662.

8 **\*b0173/1.22\* SECTION 1076d.** 49.155 (1g) (c) of the statutes is amended to  
9 read:

10 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),  
11 transfer \$4,440,600 \$4,438,200 in fiscal year 2003-04 2005-06 and \$4,507,900  
12 \$4,440,500 in fiscal year 2004-05 2006-07 to the appropriation account under s.  
13 20.435 (3) (kx).

14 **\*b0173/1.22\* SECTION 1077d.** 49.155 (1g) (d) of the statutes is created to read:  
15 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute  
16 \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07 for grants  
17 under s. 49.134 (2) for child day care resource and referral services, for contracts  
18 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137  
19 (4m), and for a child care scholarship and bonus program.

20 **\*b0169/2.1\* SECTION 1077r.** 49.155 (1m) (a) (intro.) of the statutes is amended  
21 to read:

22 49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the  
23 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is



1 disabled, is under the age of 19; or is a person who, under s. 48.57 (3m) or (3n), is  
2 providing care and maintenance for a child who meets the requirement under s.  
3 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the  
4 age of 19; and child care services for that child are needed in order for the individual  
5 to do any of the following:

6 **\*-0084/3.56\* SECTION 1078.** 49.155 (1m) (a) 1m. b. of the statutes is amended  
7 to read:

8 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years  
9 and the individual resides with his or her custodial parent or with a kinship care  
10 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57  
11 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a  
12 subsidized guardianship home under s. 48.62 (5), a group home, or an independent  
13 living arrangement supervised by an adult.

14 **\*b0169/2.2\* SECTION 1079s.** 49.155 (1m) (b) 1. of the statutes is amended to  
15 read:

16 49.155 (1m) (b) 1. Section 49.145 (2) ~~(e),~~ (f) and (g).

17 **\*-0084/3.57\* SECTION 1080.** 49.155 (1m) (bm) of the statutes is amended to  
18 read:

19 49.155 (1m) (bm) If the individual is providing care for a child under a court  
20 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or  
21 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child  
22 care is needed for that child, the individual child meets the requirement under s.  
23 49.145 (2) (c).

24 **\*-0084/3.58\* SECTION 1081.** 49.155 (1m) (c) 1g. of the statutes is amended to  
25 read:

1           49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized  
2 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or  
3 adoptive family has a gross income that is at or below 200% of the poverty line. In  
4 calculating the gross income of the child's biological or adoptive family, the Wisconsin  
5 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

6           **\*b0172/3.8\* SECTION 1083m.** 49.155 (6) (cm) of the statutes is created to read:

7           49.155 (6) (cm) The department shall modify child care provider  
8 reimbursement rates established under pars. (a) to (c) so that reimbursement rates  
9 are lower for providers of after-school day care.

10          **\*b0171/2.3\* SECTION 1085f.** 49.161 (4) of the statutes is created to read:

11          49.161 (4) UNRECOVERABLE OVERPAYMENTS CAUSED BY WISCONSIN WORKS AGENCY  
12 ERROR. If an overpayment under sub. (1), (2), or (3) resulted from an error or omission  
13 by a Wisconsin Works agency or a staff person of a Wisconsin Works agency and the  
14 department is unable to recover some or all of the overpayment from the individual  
15 who received it, the Wisconsin Works agency is liable to the department for the  
16 amount of the overpayment that the department is unable to recover.

17          **\*-1662/4.13\* SECTION 1086.** 49.175 (1) (intro.) of the statutes is amended to  
18 read:

19          49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
20 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jL)~~, (jm), (k), (kx),  
21 (L), (mc), (md), ~~(nL)~~, and (me), and (s) the department shall allocate the following  
22 amounts for the following purposes:

      \*\*\*\*NOTE: This is reconciled s. 49.175 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0604, -1526, and -1662.

23          **\*-1662/4.15\* SECTION 1087.** 49.175 (1) (a) of the statutes is amended to read: